



March 6, 2017

**Via ECFS**

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12th Street, SW  
Washington, DC 20554

**Re: NOTICE OF EX PARTE**  
**PS Docket No. 07-114: *Wireless E911 Location Accuracy Requirements***

Dear Ms. Dortch:

On March 2, 2017, Rebecca Murphy Thompson and I with Competitive Carriers Association (“CCA”)<sup>1</sup> met with David Furth, Tim May, and Brenda Boykin (via teleconference) of the Federal Communications Commission’s (“FCC” or “Commission”) Public Safety and Homeland Security Bureau (“Bureau”) to discuss the above-referenced proceeding. During the meeting, CCA highlighted its members’ efforts to catalog and report live 911 call data and location accuracy certifications in line with requirements set forth in the *Fourth Report and Order*,<sup>2</sup> and asked for clarity regarding certain aspects of the FCC’s reporting regime. To facilitate the reporting process moving forward, CCA also encouraged the Commission to release another guidance Public Notice<sup>3</sup> prior to the April 3, 2017 compliance deadline, to clarify certain issues left unaddressed since reports were submitted on February 3, 2017.

CCA supports the FCC’s goal to evaluate compliance and performance of individual location technologies within different morphologies by acquiring live 911 call data and location accuracy compliance certifications from all providers.<sup>4</sup> To that end, CCA and its members continue to work

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<sup>1</sup> CCA is the nation’s leading association for competitive wireless providers and stakeholders across the United States. CCA’s membership includes nearly 100 competitive wireless providers ranging from small, rural carriers serving fewer than 5,000 customers to regional and national providers serving millions of customers. CCA also represents approximately 200 associate members consisting of businesses, vendors, and suppliers that serve carriers of all sizes.

<sup>2</sup> *Wireless E911 Location Accuracy Requirements*, Fourth Report and Order, PS Docket No. 07-114, FCC 15-9 (rel. Feb. 3, 2015) (“*Fourth Report and Order*”).

<sup>3</sup> *Public Safety and Homeland Security Bureau Provides Guidance to CMRS Providers Regarding Submission of Periodic E911 Location Accuracy Live Call Data Reports*, Public Notice, PS Docket No. 07-114, DA 17-82 (rel. Jan. 18, 2017) (“*Guidance Public Notice*”).

<sup>4</sup> Nationwide CMRS providers must aggregate live 911 call data on a quarterly basis; non-nationwide providers must file on a biannual basis. See *Fourth Report & Order*, ¶¶ 136-137.

to improve location accuracy technologies for the benefit of all consumers. As noted in previous discussions,<sup>5</sup> CCA's members are working to synthesize the information necessary to satisfy the Bureau's live 911 call data report template, to the extent possible for future submissions.<sup>6</sup> At the same time, however, CCA noted that the technical feasibility of supplying more granular data is still under review. Specifically, since the first round of live 911 call data reports were submitted on February 3, 2017, carriers have faced technical challenges providing supplemental call data details as anticipated by the FCC's revised template, including collecting information based on monitoring regions and synthesizing call delivery data by number and type. In particular, CCA explained the difficulty in applying the ATIS definitions for each of the morphologies – dense urban, urban, suburban, and rural – to carriers' network footprints. Confusion regarding the application of the definitions may have lead to inconsistent data and reporting, and could contribute to anomalies in the June reports. To that end, CCA proposed that the Bureau issue guidance to clarify how carriers may proceed in determining the morphology of a particular area.

Additionally, CCA asked for clarity regarding the FCC's required definition of "yield." While the *Fourth Report & Order* defines yield in the test bed context,<sup>7</sup> the Bureau's live 911 call data report template purports to require carriers to "us[e] the methodology described in ATIS Standard 0500031, [and] enter the percentage of total 911 calls that result in sending dispatchable location or x/y location with an accuracy that is within 50 meters."<sup>8</sup> CCA appreciates the Commission's goal to effectively evaluate the evolution of location accuracy technologies across different morphologies. To that end, and to aid carriers' ability to file relevant data, CCA supports recommendations in the record to revise the definition of yield to instead require "the percentage of total 911 calls that result in dispatchable location or x/y location information by morphology and position technology."<sup>9</sup> If the Bureau were to release another guidance Public Notice, CCA encourages the FCC to clarify its definition of yield, and collectively highlight all standards and computations needed to ensure compliance for future reports.

Likewise, CCA discussed the *Fourth Report & Order's* requirement that all providers submit compliance certifications. Specifically, by April 3, 2017, all covered carriers must comply with the requirement to provide (1) dispatchable location, or (2) x/y location within 50 meters, for 40 percent of wireless 911 calls. Carriers are then required to certify by June 3, 2017, that they are in compliance with the location accuracy requirements. The Bureau confirmed that certifications are public documents and must be filed in the above-referenced docket. CCA asked the Bureau to include instructions for filing certifications in a forthcoming Public Notice, ideally prior to the April 3, 2017 deadline. Specifically, the Public Notice should include guiding language that carriers' may use in their certifications; for example, "this filing certifies that [provider name] has deployed the

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<sup>5</sup> See also *Ex Parte* letter from Courtney Neville, Policy Counsel, CCA, to Marlene H. Dortch, Secretary, FCC, PS Docket No. 07-114 (filed Jan. 12, 2017); and *Ex Parte* letter from Courtney Neville, Policy Counsel, CCA, to Marlene H. Dortch, Secretary, FCC, PS Docket No. 07-114 (filed Oct. 21, 2016).

<sup>6</sup> See *Guidance Public Notice* at 4.

<sup>7</sup> See *Fourth Report and Order* ¶ 129.

<sup>8</sup> See *Guidance Public Notice* at 5.

<sup>9</sup> See *Ex Parte* letter from Matthew Gerst, Assistant Vice President, Regulatory Affairs, CTIA, to Marlene H. Dortch, Secretary, FCC, PS Docket No. 07-114 (filed Feb. 14, 2017).

tested technology throughout its service area(s) in a manner that is consistent with the deployment of that technology in the test bed, such that the test bed results can be reasonably relied upon as representative of the technology's real-world performance.”<sup>10</sup> Providers that do not offer service in any of the six test cities also may note in their certifications that “[provider] network does not cover any territory in any of the six test cities.”<sup>11</sup> The Bureau likewise confirmed CCA’s understanding that providers are not required to make public the details of test results for technologies in these filings.<sup>12</sup>

Finally, CCA and the Bureau discussed the importance of maintaining confidentiality of reports. CCA recognizes that the *Fourth Report & Order* does not require data to be published in an open docket,<sup>13</sup> and thanks the Bureau for its recent explanation of requests for confidential treatment of providers’ live 911 call data reports.<sup>14</sup> At the same time, however, the Commission reserves the right to release aggregate or anonymized data to measure compliance with its rules and could “publish on its website aggregate information on [] providers’ performance in a given geographic area, a comparison of positioning technologies across the six Test Cities, or the percentage of calls using a particular positioning source method across all [] providers.”<sup>15</sup> CCA explained that this information could be considered proprietary, and must be protected against unauthorized third party review. The FCC should clarify how carriers protect the confidentiality of their proprietary data, to prevent disparities in approaches used, and provide carriers clear assurance that proprietary data will be kept confidential. To assuage concerns, CCA recommends that the FCC issue a blanket decree of confidentiality for all reports submitted to the Commission and public safety entities. In the alternative, the FCC should clarify in a second Public Notice how, and to what extent, carriers are required to request and ensure confidentiality of their reports. As the *Fourth Report and Order* encourages, CCA will continue to work with industry stakeholders to facilitate data collection and submission for both carriers and the Commission.<sup>16</sup>

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<sup>10</sup> Consistent with the *Fourth Report & Order*, the Bureau confirmed that it will use live 911 call data as a complement to test bed results in determining compliance. See *Fourth Report & Order* ¶¶ 21, 137, 148.

<sup>11</sup> Additionally, the *Fourth Report & Order* notes that if a provider expands its network coverage into one of the six test cities, it must re-certify the compliance of its deployed technology and begin reporting live call data from that portion of its network to APCO, NASNA, NENA, and the Commission. See *id.* ¶ 148, fn. 363.

<sup>12</sup> At the same time, CCA understands that all providers must retain and will be required to produce live 911 call data in their service areas as a check on certifications, if requested by a PSAP. See *id.* ¶ 136.

<sup>13</sup> See *Fourth Report and Order* ¶¶ 27, 131, 135, fn. 340.

<sup>14</sup> See *Guidance Public Notice* at 5.

<sup>15</sup> See *id.*

<sup>16</sup> See *Fourth Report and Order* ¶ 189; and *Ex Parte* letter from Matthew Gerst, Director, Regulatory Affairs, CTIA, to Marlene H. Dortch, Secretary, FCC, PS Docket No. 07-114 (filed Dec. 15, 2016).

CCA and its members look forward to continued work with the Commission to improve location accuracy technology and access to information for the benefit of all consumers and emergency authorities. This *ex parte* notification is being filed electronically with your office pursuant to Section 1.1206 of the Commission's Rules. Please do not hesitate to contact me with any questions or concerns.

Sincerely,

*/s/ Courtney Neville*

Courtney Neville  
Policy Counsel  
Competitive Carriers Association

cc (via email): David Furth  
Tim May  
Brenda Boykin